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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

OMAR STRATMAN,)
)
Plaintiff,)
)
v.)
)
LEISNOI, INC., KONIAG, INC., and)
DIRK KEMPTHORNE, Secretary of the)
Interior,)
)
Defendants,)
)
_____)
)
KONIAG, INC.,)
)
Counter-claimant,)
)
v.)
)
OMAR STRATMAN,)
)
Counter-claimed)
Defendant.)
_____)

Case No.: 3:02-cv-0290 (JKS)

**PROPOSED ORDER DENYING LEISNOI'S MOTION AT DOCKET NOS. 109 AND
110 (NO FEDERAL SUBJECT MATTER JURISDICTION; STATUTE OF
LIMITATIONS BARS ANY AVAILABLE REMEDY; STATUTE OF LIMITATIONS
BARS CURRENT APA ACTION)**

The Court, being fully advised in the premises, does hereby ORDER, ADJUDGE, and DECREE as follows:

1. Leisnoi's motion at Docket No. 109 (memorandum at Docket No. 110) seeking, per Fed. R. Civ. P. 12(b)(1), to dismiss and arguing that Stratman's failure to perfect an appeal of this Court's 1995 dismissal without prejudice of A76-0132 CV (JKS) is DENIED.
2. The instant action is a continuation of A76-0132 CV (JKS) and, to the extent necessary, equitable tolling is the law of the case.

DONE and ORDERED entered this ____ day of _____, 2007.

The Honorable James K. Singleton
U.S. District Court Judge